

# Electronically Recorded

Official Public Records

Tarrant County Texas

2009 Jun 22 01:12 PM

Fee: \$ 20.00

Submitter: SIMPLIFILE

**D209164636**

2 Pages



Suzanne Henderson

## **AMENDMENT TO OIL AND GAS LEASE (To Correct Land Description)**

**Notice of Confidentiality Rights: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: Your social security number or your driver's license number.**

**STATE OF TEXAS**

**COUNTY OF TARRANT**

**LESSOR: R. Bryan Gregory and wife, Beverly Barton Gregory  
322 Fawnlake Drive  
Houston, Texas 77079**

**LESSEE: Finley Resources, Inc.  
1308 Lake Street  
Fort Worth, Texas 76102**

**Effective Date: August 14, 2008**

Lessee, named above, and XTO Energy Inc., are the present owners of an Oil and Gas Lease (the "Lease"), dated April 15, 2005, from Lessor, named above, which Lease is recorded in D205172226 of the Official Public Records of the county and state named above and by Lease Extension and Advance Rental Payment Agreement dated April 14, 2008, which Lease Extension and Advance Rental Payment Agreement extends the Primary Term of the Oil and Gas Lease until April 15, 2010 and is a paid up Oil and Gas Lease, recorded in D208189584 of the Official Public Records of the county and state named above. Finley Resources, Inc. made a partial assignment of this lease to XTO Energy Inc. in Partial Assignment of Oil, Gas and Mineral Leases with Reservation of Overriding Royalty Interest, dated March 16, 2009, recorded in Instrument Number D209105034, Official Public Records of the county and state named above.

At the time the Lease was entered into, the description of the lands contained in the Lease was believed by Lessor and Lessee to cover, and was intended by them to cover, certain lands owned by Lessor.

Since the execution, delivery, and recording of the Lease, it has been discovered that the description of lands contained in the Lease does not adequately describe the lands Lessor and Lessee intended to be covered by the Lease. Lessor and Lessee desire to amend and correct the description of the lands contained in the Lease to accurately identify the lands to be covered by and subject to the terms of the Lease.

For adequate consideration, and the further consideration of the obligations and agreements contained in the Lease, Lessor acknowledges and agrees that the Lease shall cover, and the Lease is amended, so that it now covers the following lands in the county and state named above:

**TRACT ONE:** 9.386 acres, more or less, being the same lands depicted and described as Lot 2, Block 1, Cahoba Business Addition, an Addition to the City of Fort Worth, Tarrant County, Texas, according to a Plat, recorded under Tarrant County Clerk Document No. D200095484, Deed Records, Tarrant County, Texas; also being "Tract 1" described in a Deed, dated August 24, 2005, from Cahoba 820, Ltd., to the State of Texas, filed under Tarrant County Clerk Document No. D205292577, Deed Records, Tarrant County, Texas

**TRACT TWO:** 0.386 acres, more or less, being "Tract 2", described in a Deed, dated August 24, 2005, from Cahoba 820, Ltd., to the State of Texas, filed under Tarrant County Clerk Document No. D205292577, Deed Records, Tarrant County, Texas.

Lessor ratifies, adopts, and confirms the Lease and extends the Lease to cover the lands described in this Amendment as if the description of lands set out above had been originally included in the Lease. Lessor grants, leases, and lets to Lessee, its successors and assigns, the lands described in this Amendment for the purposes of and on the terms, conditions, and provisions contained in the Lease.

D209164636

This Amendment shall be binding for all purposes on Lessor and Lessor's successors, heirs and assigns.

This Amendment is signed by Lessor and Lessee as of the date of the acknowledgment of their signatures below, but is effective for all purposes as of the Effective Date stated above.

LESSOR:

R. Bryan Gregory  
R. Bryan Gregory

Beverly Barton Gregory  
Beverly Barton Gregory

CURRENT LESSEE:

Finley Resources, Inc.

By: Stephen M. Clark

Printed Name: Stephen M. Clark

Title: CFO *wll*

CURRENT LESSEE:

XTO Energy Inc.

By: Edwin S. Ryan Jr. *ESR*

Edwin S. Ryan Jr.  
Sr. Vice President - Land Administration

THE STATE OF TEXAS

COUNTY OF ~~TARRANT~~ Harris

Before me, the undersigned authority, on this day personally R. Bryan Gregory and wife, Beverly Barton Gregory, subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 8<sup>th</sup> day of May, 2009.

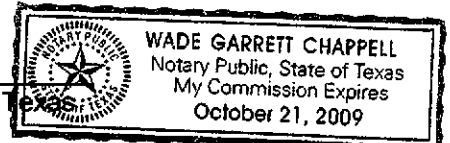
[Signature]  
Notary Public, State of Texas

THE STATE OF TEXAS

COUNTY OF TARRANT

This instrument was acknowledged before me on the 10<sup>th</sup> day of June, 2009, by Stephen M. Clark of the CFO of FINLEY RESOURCES, INC., on behalf of said corporation.

[Signature]  
Notary Public, State of Texas



THE STATE OF TEXAS

COUNTY OF TARRANT

This instrument was acknowledged before me on the 19<sup>th</sup> day of June, 2009, by Edwin S. Ryan, Jr. of the Sr. VP - Land Administration of XTO ENERGY INC., on behalf of said corporation.

Charla F. Wilkes  
Notary Public, State of Texas

